

REMARKS

Claims 7, 8, 11, and 15-18 are now pending in the application. Claims 7, 11, and 15-17 are currently amended. Claims 1-6, 9, and 12-14 are cancelled by this amendment. Claim 18 is newly added. Support for the foregoing amendments can be found throughout the specification, drawings, and claims as originally filed. For example, support may be found between paragraphs [0149]-[0170]. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicants would like to thank the Examiners for the courtesies extended to Applicant's counsel during the interviews conducted Tuesday, March 9, 2010 and Wednesday, March 31, 2010. Both interviews were attended by Timothy D. MacIntyre and Teymour El-Tahry on behalf of the Applicants.

In the interview of March 31, a proposed claim amendment was provided to the Examiners. In particular, the claim amendment changed the term "relational expression," as recited in the previous proposed claim amendment, to "polynomial expression." The Examiner agreed that the amendment to include the term "polynomial expression" would overcome the Shin reference, as the Shin reference does not teach obtaining a polynomial expression.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-9 and 11-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner indicates that the claim language "a pupil diameter/iris diameter ratio" is unclear. Since claims 1-6, 9, and 12-14 are cancelled, the rejection is rendered moot as to these claims. Applicant herein amends the remaining claims to recite a "ratio of pupil diameter to iris diameter". As mentioned in the interview summary, the Examiners agreed that this was overcoming of the rejection.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-5, 7, and 12-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shin (U.S. Pub. No. 2002/0039433; "Shin"). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shin in view of Flom (U.S. Pat. No. 4,641,349; "Flom"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shin in view of Smith (U.S. Pub. No. 2002/0016839; "Smith"), and further in view of Bowers (U.S. Pat. No. 5,546,529; "Bowers"). Claims 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shin in view of Nishida (U.S. Pat. No. 6,424,746; "Nishida"). Claims 1-6, 9, and 12-14 have been cancelled, thereby rendering the rejections thereof moot. With respect to the remaining pending claims, the rejections thereof are respectfully traversed.

Applicant has amended the claims so that the claims recite "a polynomial expression defining the obtained feature data as a function of the obtained ratio of pupil

diameter to iris diameter,” or a slight variation thereof. As was agreed upon by the parties in the interview, the Shin reference does not teach or otherwise suggest the claimed “polynomial expression.” Further, as was discussed in the interview, the secondary references, i.e. Flom, Smith, Bowers, and Nashida, cannot be relied upon to teach the claimed “polynomial expression.” Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejections highlighted above.

NEW CLAIM

Claim 18 is newly added and depends from claim 1. Claim 18 recites that “the obtained feature data is an output of a Gabor filter, such that the polynomial expression defines the output of the Gabor filter as a function of the ratio of pupil diameter to iris diameter.” Support for the amendment may be found at paragraphs [0153]-[0155]. Applicant respectfully submits that for at least the reasons provided above, claim 18 defines over the cited references. Accordingly, Applicant respectfully submits that the claim is in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 15, 2010

By: /Timothy D. MacIntyre/ _____
Timothy D. MacIntyre
Reg. No. 42,824

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

TDM/TSE/dec

16341517.1